

Park, Chan

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Sent: Thursday, April 01, 2010 3:23 PM
To: Park, Chan
Cc: Scott Jr, Thomas J
Subject: Application Serial No. 08/447,447
Attachments: NGEN 87 Proposed Amendment.RTF

Examiner Park,

Attached are revised proposed claim amendments to application 08/447,447. You had indicated concern regarding claims 4, 5, 6, 7, 8, 44 and 61 for the reason that the claims rely primarily on steps of originating signals and transmitting signals. As we discussed, the BPAI in the March 20, 2009, decision on Appeal 2007-1737 (of related Application Serial No. 08/47,571, included in the materials provided at our July 22, 2009 interview) addresses claims in which transmitted signals are described by their function. The BPAI states at page 27 with regard to the functional steps performed: "These 'steps' are not steps of claim 84, but still limit the claim because they define the locally generated image. We conclude that all of the functional limitations in claim 84 limit the claim and must be considered in the prior art rejection." The BPAI goes on to find that the prior art does teach signals with the function set forth in claim 84 at pages 57-58. We thus maintain that the form of these claims is proper and that the functional language must be given weight. Claims 4 and 6 are amended so that the claimed signals function in a manner that corresponds to the steps of claim 2. Claim 5 is amended so that the claimed signals function in a manner that corresponds to the steps of claim 3. Claim 61 is amended so that the claimed signals function in a manner that corresponds to claim 43. Claims 7 and 8 are cancelled. We would like to discuss claim 44 further as this claim is a form similar to claims 2, 3 and 43. Please contact us with any questions or comments you have regarding these proposed amendments.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<NGEN 87 Proposed Amendment.RTF>>

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